

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR A RESTAURANT, LAND USE VARIATIONS AND A VARIATION
FROM CHAPTER 28 OF THE ARLINGTON HEIGHTS MUNICIPAL CODE**

WHEREAS, on August 24, 2016, pursuant to notice, the Plan Commission of the Village of Arlington Heights, in Petition Number 16-019, conducted a public hearing on a request for a special use permit for a restaurant, a land use variation to allow a restaurant with no on-premise kitchen facility, a land use variation to allow a restaurant, amusement device arcade of up to 20 amusement devices within the B-5 Downtown District, and a variation from Chapter 28 of the Arlington Heights Municipal Code for the property located at 111 W. Campbell Street, Unit 301, Arlington Heights, Illinois, which property is located in the B-5 Downtown District; and

WHEREAS, the President and Board of Trustees have considered the report and recommendation of the Plan Commission and have determined that authorizing and granting the request, subject to certain conditions hereinafter described, would be in the best interests of the Village of Arlington Heights; and

WHEREAS, the President and Board of Trustees hereby find that the establishment of a restaurant in that location is desirable for the public convenience and that such facility is compatible with other uses in the vicinity of the site,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: The special use permit for a restaurant is hereby granted for the property legally described as:

Lot 2 in Metropolis, being a resubdivision in the West half of the Southwest quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded March 15, 1999, as Document Number 99243785, in Cook County, Illinois.

P.I.N. 03-29-346- 027-0000

and commonly known as 111 West Campbell Street, Arlington Heights, Illinois. This approval shall be in substantial conformance with the following plans:

The following plans have been prepared by HKM Architects + Planners, Inc.:

Floor Plan Option “A”, dated September 9, 2016, consisting of one sheet;

Floor Plan Option “B”, dated September 9, 2016, consisting of one sheet;

Existing Conditions, dated July 29, 2016, consisting of one sheet;

Color Rendering – Existing/Proposed Modifications, dated August 16, 2016, consisting of two sheets;

Color Rendering – Concept Montage, dated August 16, 2016, consisting of one sheet,

copies of which are on file with the Village Clerk and available for public inspection.

SECTION TWO: That a land use variation is hereby granted to permit a restaurant with no on-premise kitchen for the property legally described in SECTION ONE.

SECTION THREE: That a land use variation is hereby granted to permit a restaurant, amusement device arcade of up to 20 amusement devices, within the B-5 Downtown District, for the property legally described in SECTION ONE.

SECTION FOUR: That a variation from Chapter 28, Section 6.12-1, Traffic Engineering Approval for Projects Requiring Plan Commission Review, waiving the required traffic and parking study prepared by a Certified Traffic Engineer, is hereby granted.

SECTION FIVE: That the special use permit, land use variations and variation from Chapter 28 of the Arlington Heights Municipal Code granted by this Ordinance are subject to the following conditions, to which the Petitioner has agreed:

1. The Petitioner shall provide food service from Arlington Heights restaurants and/or catering establishments for customers within the restaurant in accordance with liquor license requirements.

2. The room with pool tables as shown in pink on the “Plan Option A” and “Plan Option B” and located along the western side of the subject unit must have mechanisms installed that prevent the ability to open the two windows within this room during normal operation.

3. The Petitioner shall obtain the appropriate number of parking permits for employees to park in the Municipal Garage subject to availability.

4. The Petitioner has provided a capacity analysis of the maximum number of individuals permitted to occupy the space based on all building code regulations. Based upon the two revised occupancy plans, the following conditions shall apply:

- a. **Plan Option A:** Existing outdoor patio (no expansion of the outdoor patio), which is subject to the following conditions:
 - i. The Petitioner must ensure that the maximum occupancy of the space shall not exceed 313 persons and must be in accordance with all building code requirements.
 - ii. The Petitioner shall put measures in place to manage the maximum occupancy and have an accurate occupancy count at all times. Such measures shall be approved by Village Staff. If, upon inspection by the Village, there are repeated violations to the maximum occupancy, the Village may pursue any and all legal remedies, including possible closure, revocation of liquor license, or other actions as deemed appropriate by the Village.
 - iii. The maximum occupancy may be increased in the future in accordance with all building codes if approved by the Village in writing.
- b. **Plan Option B:** Expanded outdoor patio. If the Petitioner desires to move forward with this Option, the Petitioner's proposal must be presented to the Village Board for its consideration and approval. At a minimum, the plan shall be subject to the following conditions:
 - i. No expansion to the patio is allowed unless an additional qualified means of egress is provided in compliance with the building code and subject to Village approval.
 - ii. The maximum capacity as outlined in condition 4a may be increased if the Village approves an additional qualified means of egress and all applicable building and plumbing code requirements have been met.

5. The exterior patio area shall not be detrimental to the health, safety, morals or general welfare of persons residing or working within the vicinity. As such, the Village, at its sole discretion, reserves the right to impose additional restrictions on the exterior patio or revoke the portion of this special use permit that authorizes use of the exterior patio.

6. The outdoor dining patio, whether under Plan Option A and Plan Option B, shall be subject to the following:

- a. As part of the Outdoor Eating Café Permit process and building permit process, the applicant shall provide complete details on all screening and railing around the patio, all furniture and equipment on the patio, all lighting elements on the patio, and any sound/speaker elements on the patio, all for review and approval by the Village.
- b. Live entertainment is prohibited on the outdoor dining patio.

- c. The Petitioner shall renew the Outdoor Eating Café Permit annually for compliance with the applicable criteria.

7. For the outdoor dining patio under Plan Option B, in addition to those conditions listed in paragraph 4, 5 and 6, the following conditions shall apply:

- a. Prior to issuance of a building permit to allow the expanded patio and associated improvements, the Petitioner shall obtain Metropolis Condo Board approval and shall be subject to any conditions required by the condo association.
- b. Prior to the issuance of a building permit for expansion to the patio and associated improvements, construction details and material specifications shall be provided for review. The Petitioner shall provide a review and certification from an acoustical consultant/engineer stating that the expanded patio design will not create noise that may impact the Metropolis Theater operation. Upon completion and use of the patio area, should any negative noise impact be experienced by the Metropolis Theater, the applicant will be required to add additional noise suppression materials to eliminate the noise impact to the theater.
- c. The Petitioner shall provide documentation from a licensed structural engineer certifying that an expansion of the patio, including all proposed improvements to the rooftop area, will not threaten the structural integrity of the roof. Upon receipt and review of this documentation, the Village reserves the right to approve or deny any proposed expansion to the rooftop patio and/or any associated improvements to the roof.

8. The proposed bridge connection between the Metropolis building and Vail Avenue garage shall be subject to the following:

- a. Documentation from a licensed structural engineer indicating the structural ability of the Vail Avenue garage to accommodate said bridge connection (all costs to be incurred by the Petitioner).
- b. An analysis of the impact of said bridge connection to the parking within the garage.
- c. Acceptance of a maintenance and liability agreement for said bridge connection.
- d. Upon receipt and analysis of the information outlined in paragraphs 8a through 8c, the Village reserves the right as the owner of the garage to approve or deny the bridge connection at its sole discretion.

9. The Petitioner shall comply with all applicable Federal, State, and Village Codes, regulations, and policies.

SECTION SIX: That the Director of Building of the Village of Arlington Heights is hereby directed to issue permits for the alteration of the facility, herein approved, upon proper application and after compliance with all applicable ordinances of the Village of Arlington Heights.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law and shall be recorded by the Village Clerk in the Office of the Recorder of Cook County, Illinois.

AYES:

NAYS:

PASSED AND APPROVED this 17th day of October, 2016.

Village President

ATTEST:

Village Clerk

SPECUSE : Arlington Ale House